

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILMINGTON SAVINGS FUND
SOCIETY, FSB, D/B/A CHRISTIANA
TRUST, NOT INDIVIDUALLY BUT AS
TRUSTEE FOR PRETIUM MORTGAGE
ACQUISTION TRUST,

Plaintiff,

-against-

MIR A. ASADSAIF, MIR. N. KHAN, FARZANA
SAIF, and MATS GROUP, INC.,

Defendants.

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**ORDER ADOPTING REPORT
AND RECOMMENDATION**

19-CV-5966 (DRH)(SIL)

Presently before the Court is the Report and Recommendation of Magistrate Judge Steven I. Locke, dated June 9, 2021, recommending that Plaintiff's motion for default judgment be granted in part and denied in part as follows: (1) that Plaintiff be awarded damages in the amount of \$540,054.40 against defendants Asadsaif, Khan and Saif, which includes: (i) the unpaid principal balance on the Note of \$389,723.00; (ii) the unpaid balance under the Loan Modification Agreement of \$104,191.33; (iii) \$45,695.55 in unpaid accrued interest from November 1, 2018 to June 9, 2021 at a rate of 4.500%, plus per diem interest of \$48.04 until judgment is entered, and post-judgment interest pursuant to 28 U.S.C. § 1961(a); (iv) advances for hazard insurance of \$2,693.00; (v) advances for taxes of \$14,811.88; (vi) advances for property inspections and preservation of \$630.00; (vii) filing fees and costs of \$1,890.00; and (viii) a credit in the amount of Defendants' prior payments – \$2,311.66 – applied to the above amounts; (2) that the request for attorneys' fees be denied without prejudice to renewal upon

submission of the appropriate supporting documentation; and (3) that the a judgment of foreclosure and sale be consistent with the Report and Recommendation be entered and that Ernest Thomas Bartol, Esq. be appointed Referee to effectuate the sale of the Property.

More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the June 9, 2021 Report and Recommendation of Judge Locke as if set forth herein. Accordingly,

IT IS HEREBY ORDERED THAT Plaintiff's motion for default judgment is (1) granted to the extent that Plaintiff is awarded damages in the amount of \$540,054.40 against defendants Asadsaif, Khan and Saif, which includes: (i) the unpaid principal balance on the Note of \$389,723.00; (ii) the unpaid balance under the Loan Modification Agreement of \$104,191.33; (iii) \$45,695.55 in unpaid accrued interest from November 1, 2018 to June 9, 2021 at a rate of 4.500%, plus per diem interest of \$48.04 until judgment is entered, and post-judgment interest pursuant to 28 U.S.C. § 1961(a); (iv) advances for hazard insurance of \$2,693.00; (v) advances for taxes of \$14,811.88; (vi) advances for property inspections and preservation of \$630.00; (vii) filing fees and costs of \$1,890.00; and (viii) a credit in the amount of Defendants' prior payments – \$2,311.66 – applied to the above amounts ; and (2) denied without prejudice as to the request for attorney's fees; and

IT IS FURTHER ORDERED THAT Plaintiff shall serve and file any renewed motion for attorney's fees within twenty (20) days of the date hereof. Entry of a judgment of foreclosure

and sale shall be held in abeyance pending either a decision on a renewed motion for attorney's fees or plaintiff's failure to timely make a renewed motion for attorney's fees.

Dated: Central Islip, New York
June 29, 2021

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge